

APPROVED AS AMENDED BY THE BOARD OF SELECTMEN

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
JANUARY 17, 2006**

ATTENDANCE: First Selectwoman Evonne Klein; Linda Santarella;
Barbara Thorne; Kevin Newman; Susan Young

STAFF: John Crary, Administrative Officer

OTHERS: Donna Berizzi; Robert Young; Philip Weyhe; Cheryl
Russell; Doug Milne; Janet Sargent; Bud Raleigh;
Sandy McDonald

CALL TO ORDER

First Selectwoman Klein called the Regular Meeting to order at 7:00 p.m.

PUBLIC COMMENT

Donna Berizzi, 6 Glenwood Drive, stated that she currently serves as a member of the Senior Center Task Force. She asked when the Task Force could be placed on the Board of Selectmen's agenda because, due to the publicity generated in the newspaper, she would like to clear up the misnomers out there. Ms. Klein replied that they will be placed on the agenda for February 6th.

FIRST SELECTWOMAN'S REPORT

The First Selectwoman reported that this weekend due to high winds and freezing temperatures the Town, along with other southwestern Fairfield County communities, experienced power outages brought about by falling trees. She stated that currently she did not have the number of how many residents were still without electricity. She reported that as of 3 o'clock there were still 400 without electricity. She stated that CL&P was working throughout the Town and said they will have 90% restoration by 4 o'clock and 100% by midnight. She stated the Town response was excellent with DPW crews out salting and cleaning roads beginning at 11:30 PM Saturday night and this evening DPW has scheduled 3 members of their staff to man the garage to plow after CL&P completes their work. Ms. Klein stated that she was very disappointed in the response the Town of Darien received from CL&P. She reported that she, the Police Department and Marc McEwan were in contact hourly with CL&P monitoring their progress. She continued that she, Marc McEwan and the Red Cross made the decision not to open a shelter, but the Police Department issued a press release asking people to call the main number to headquarters should they need assistance. They received 0

requests. She reported that Alison Graham came to the office yesterday to issue another press release to the media. Channel 12 News did not air the two press releases and they did not list Darien as a town that had power outages.

She stated that it was unfortunate because they rely on the media to get messages out to the residents. She thanked the public for their patience and said she would continue to work on their behalf. Mr. Newman asked if CL&P was planning on having meetings with elected officials pertaining to the storm and Ms. Klein replied that she has a meeting planned with CL&P next week on another issue and will bring this up then. Ms. Santarella asked what happened to the students that were supposed to shovel sidewalks. Ms. Klein replied that she will call the student in charge, however, some might have had power outages. Ms. Santarella reported that it was important to let the public know that she and Barbara Thorne were in contact all day pertaining to the storm. Ms. Thorne added that Ms. Klein was in contact all day as well.

Regarding Holly Pond, Ms. Klein reported that she received a response to a letter sent to the Army Corps of Engineers requesting a Preliminary Restoration Plan. She stated that they acknowledged that the project appears to be eligible for funding, but it is a competitive process due to the availability of funding. They estimate the project will begin in 2008.

Ms. Klein reported that the Noroton Heights pedestrian overpass interior lights were complete and the new window installation was complete in January. The next project is the stair repairs to Hollow Tree Ridge Road.

Ms. Klein thanked the elected officials who participated in the DRI session last week. A small group will write a vision statement for presentation to the DRI Board of Directors in February. She reported that DRI will also begin a search process for Board members.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Crary reported that last month they began working on the budget and it is an ongoing project. He reported that the capital budget was complete with 50 projects submitted. He stated that it will be presented to the Board of Selectmen on January 26th. He reported that the operating budget was a work in progress and will be completed by Friday, then given to the printer, and expected back by January 30th. Mr. Crary thanked Kate Clarke Buch for being extremely helpful in putting the data together for this year's budget.

NEW BUSINESS

Ms. Klein asked for a motion to be made to move item (g) on the agenda to be heard at this time so that the Board of Finance can vote on the transfers at their meeting later this evening.

- ** MS. SANTARELLA MOVED TO MOVE ITEM (G), TRANSFERS, UP ON THE AGENDA TO BE HEARD AT THIS TIME.**
- ** MR. NEWMAN SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

g) Transfers:

1) Debt Service

Due to the refunding done this summer, our allocation of principal and interest needs to be changed.

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:			To:		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
10810011-88820	Schools-Interest	343,543	10810011-88810	Schools – Principal	340,553
10811011-88821	Town – Interest	1,218	10811011-88811	Town - Principal	7,016
10812011-88822	Sewer-Interest	10,238	10812011-88812	Sewer-Principal	7,430
TOTAL		354,999	TOTAL		354,999

- ** MS. SANTARELLA MOVED TO APPROVE THE FOLLOWING TRANSFER OF APPROPRIATIONS FOR REFERRAL TO THE BOARD OF FINANCE:**

From:			To:		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
10810011-88820	Schools-Interest	343,543	10810011-88810	Schools – Principal	340,553
10811011-88821	Town – Interest	1,218	10811011-88811	Town - Principal	7,016
10812011-88822	Sewer-Interest	10,238	10812011-88812	Sewer-Principal	7,430
TOTAL		354,999	TOTAL		354,999

- ** MR. NEWMAN SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

2) Police Department

- a) The Employee Education/Tuition account is used to reimburse officers, per the collective bargaining agreement, for expenses related to approved college courses/degrees. This account was funded at a level well below the amount requested. The amount originally requested was based on reports received from officers actively enrolled or planning to enroll in approved courses or an approved course of study. Transfers had already been made into this account to correct shortfalls. This account maintains a negligible balance insufficient to meet demand for the balance of the fiscal year.

There is presently a favorable balance in the Patrol-Full Time Salary account due to staffing vacancies.

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:			To:		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
10302233 81001	Patrol Wages-FT	7,500	10302273 82005	Training-Tuition	7,500
TOTAL		7,500	TOTAL		7,500

Mr. Crary reported that Employee Education/Tuition account was funded at a level below the amount requested based on officers actively enrolled or planning to enroll in approved courses. However, this year more officers took courses than what was budgeted.

**** MS. THORNE MOVED TO APPROVE THE FOLLOWING TRANSFER OF APPROPRIATIONS FOR REFERRAL TO THE BOARD OF FINANCE:**

From:			To:		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
10302233 81001	Patrol Wages-FT	7,500	10302273 82005	Training-Tuition	7,500
TOTAL		7,500	TOTAL		7,500

**** MR. NEWMAN SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

b) The Police Department recently completed the replacement of the flat roof on Police Headquarters. This capital improvement was completed under the amount allocated.

Subsequent to the completion of the roof project, it was determined that water continued to enter the building in areas previously attributed to the failing roof. Further investigation into this problem led to the discovery of the built-in gutter system on the upper and lower roofs having failed in several locations. The replacement of the built-in gutter system had not been included in the scope of the original roof replacement project.

It is requested that a transfer be made from unexpended funds from the roof replacement project as well as the 'Patrol – Full Time Wages account to allow for replacement of the built-in gutter system. The projected amount is based on a quote received from M. Gottfried, Inc., of Stamford, a well-established roofing contractor.

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:			To:		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
30332324 905402	Roof Replacement	4,820	To be determined by Finance Dept.	Built-In Gutter Replacement	13,850
10302233 81001	Patrol-FT Salary	9,030			
	TOTAL	13,850		TOTAL	13,850

Mr. Newman asked if the new roof would have to be replaced because of the gutter problem. Mr. Crary replied that it would not.

**

MS. THORNE MOVED TO APPROVE THE FOLLOWING TRANSFER OF APPROPRIATIONS FOR REFERRAL TO THE BOARD OF FINANCE:

From:			To:		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
30332324 905402	Roof Replacement	4,820	To be determined by Finance Dept.	Built-In Gutter Replacement	13,850
10302233 81001	Patrol-FT Salary	9,030			
	TOTAL	13,850		TOTAL	13,850

**** MR. NEWMAN SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

3) Registrars of Voters

Funds to cover the extra costs incurred in the Republican Primary and the November Municipal election.

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:			To:		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
	Contingency Acct.	1,204	10107661 / 82026	Rental Expense	1,204
TOTAL		1,204	TOTAL		1,204

Mr. Crary reported that they do not budget the expenses for the Primary. He did not know what the expense was for. The Board asked that he find out what the expense was for and report back to them.

**** MR. NEWMAN MOVED TO APPROVE THE FOLLOWING TRANSFER OF APPROPRIATIONS FOR REFERRAL TO THE BOARD OF FINANCE:**

From:			To:		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
	Contingency Acct.	1,204	10107661 / 82026	Rental Expense	1,204
TOTAL		1,204	TOTAL		1,204

**** MS. YOUNG SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

4) Planning and Zoning Department

Transfer from Contingency to Regulatory Counsel. This transfer should cover the necessary funds for Regulatory Counsel for the remainder of this fiscal year. The approved budget amount for this fiscal year was \$140,060, and thus far, \$130,034 (93%) has been spent with six months left in the fiscal year. Since we do not expect the "pace" of the activity to diminish, a \$110,000 transfer is hereby requested.

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:			To:		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
10704000-86600	Contingency Acct.	110,000	10105381- 82007	Regulatory Counsel	100,000
TOTAL		100,000	TOTAL		100,000

**** MS. THORNE MOVED TO APPROVE THE FOLLOWING TRANSFER OF APPROPRIATIONS FOR REFERRAL TO THE BOARD OF FINANCE:**

From:			To:		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
10704000-86600	Contingency Acct.	110,000	10105381- 82007	Regulatory Counsel	100,000
TOTAL		100,000	TOTAL		100,000

**** MS. YOUNG SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

a) Meet with RTM Committee Chairpersons

Robert Young, District 3, Chairman, Planning & Zoning and Housing Commission, stated that on the Committee's agenda for the year is to review Planning & Zoning's budget and the Town Plan of Development. He reported that they are trying to stress to the membership to hear the concerns from neighbors and be a more proactive Committee. He mentioned that some of the wish list items were housing review, the urgent issue of Affordable Housing, including looking at accessory apartments, review Planning & Zoning regulations relating to housing and downtown, and more and better bikeways and pathways. Ms. Susan Young asked what other groups would he be involved in and Mr. Young replied the P&Z staff and the Housing Authority.

Philip Weyhe, Chairman, Public Health and Safety Committee, reported that the Committee has held meetings and they are thinking of participating in discussions about combining a Health District with New Canaan. Ms. Klein asked if he or someone from his Committee could attend the Emergency Management meeting monthly.

Cheryl Russell, Chairman, Parks and Recreation Committee, reported that her Committee held one meeting this year and they will have to bring the new members up to speed. She reported that they discussed the Diller property and the Sub-Committee came up with a passive park trail and more openness. She reported that they will ask the Parks & Recreation Commission to put more money in the budget tomorrow night at their meeting. She also reported that the new members felt that they could put a pool on the property, however she discussed it with Sue Swiatek and it would not work. She also reported that they will study and review the Town Plan for Parks and Recreation and will bring Parks & Recreation ordinances to the RTM. Ms. Santarella asked how much money she was requesting in the budget and Ms. Russell replied \$30,000. Ms. Young asked if they will be looking at the Weed Beach plan and Ms. Russell replied that they will.

b) Presentation by The Cottage in Darien

Mr. Doug Milne reported on the urgent need for help for a small, but growing, group of Darien citizens. He stated that the organization consists of a group of six families, that have been working together for seven years, who are parents of 23 to 40 year old adults either mentally or physically disabled and not capable of taking care of themselves. He stated that these individuals are not a threat to anyone and they work and volunteer in the Town. Mr. Milne stated that the reason he was here this evening was to talk about housing. He stated that they are in need of a piece of land in Town for a group home for the mentally retarded. He reported that they have explored many possibilities and will obtain the resources from a public/private partnership, but they need the place. Mr. Milne stated that there are 1700 people on a waiting list with the Department of Mental Retardation and he was not going to allow the federal government decide what will become of these young people in the Town.

Mr. Milne stated that the plan is to build a six bedroom house and two car parking. He reported that currently there are 25 children in the Darien school system not capable of living on their own. He did not know how many were outside the school system. He stated that his group has good support from the community but the key is starting with a location. He welcomed ideas from the Board and the community. Ms. Klein stated that she has discussed and brainstormed this and will consider it if they are going to renovate the Senior Center. She stated that she would like to see a group home in Darien and it was important for the Board to be aware of it.

c) Meet with the Beautification Committee

Janet Sargent, Chairperson, stated the Committee's mission was to beautify the Town and in 2005 the Commission moved forward on a number of fronts. She stated that prior to enumerating their accomplishments; she wanted to make the observation to the Board

that the downsizing of their budget in the last year did have an effect on their ability to achieve their goals. Specifically, they refrained from ordering and planting flowering bulbs for spring 2006, which was the first time in many years. Ms. Sargent stated that the money allotted to the Commission was well spent and a budget increase would enable them to fulfill its mission and complete and maintain projects on its wish list. She then gave a progress report, stating that 26 standing planters graced the sidewalk of downtown Darien from April to October and 14 hanging planters were hung on seven lampposts in central downtown Darien. The Commission purchased an additional 40 hanging planters for the remaining lampposts on the Post Road. She reported that annuals were planted in many of the traffic islands, the private historical cemeteries were maintained and mowed, and the Adopt-A-Spot program was revitalized this year. She continued that the random placement of signs along Town roadways not only detracts from the appearance of the Town but also creates traffic hazards. Also, the unsightly news bins all over the Town are out of control. They are recommending news bins regulations. She stated that they put together the efforts of the Monuments and Ceremonies Commission and Garden Club of Darien to beautify the Town Hall Circle.

Ms. Sargent next reported that some of the items on their wish list was to complete the Squab Lane project, renew traffic island plantings, revitalize the railroad side of Tokeneke Road, renew and replant town beaches, hire a permanent employee to water the standing and hanging planters, annuals, and shrubbery or trees and to plant them also, and to establish a Tree Committee. Ms. Klein thanked the Commission for making the Town beautiful and commented that it was great that they purchased an additional 40 hanging planters for downtown lampposts. She stated that she will take under advisement a Tree Committee.

d) Discuss the Scott Cove Survey Report – Advisory Commission on Coastal Waters

Mr. Bud Raleigh summarized the Survey Report on Scott Cove. He stated that Scott Cove was classified as a natural shellfish bed in 1882 and not until June 2004 was the State Statute forbidding the use of hydraulic dredges on natural beds amended to permit limited harvesting by dredging for the purpose of improving growing conditions for shellfish. He continued that in October 2004, the Board of Selectmen requested the Advisory Commission on Coastal Waters to undertake a survey of the shellfish population in Scott Cove for the purpose of recreational clamming opportunities and whether to permit future commercial shellfishing in the Cove. The CT Bureau of Aquaculture began the survey on May 23, 2005 towing a dredge in three locations in the Cove.

Mr. Raleigh stated that some of the CT Bureau of Acquaculture's findings in the survey were that commercial harvesting did not diminish the clam population and the oyster population might have been rehabilitated as a result of the dredging. Mr. Raleigh's

observations were that three years of commercial dredging and replanting did not serve to improve the prospects for recreational clamming. He recommended that in the future if commercial shellfishermen with hydraulic dredges are permitted to harvest in Scott Cove, it should be highly supervised with the purpose of moving a high percentage of the total catch to shallow areas where the clams will be accessible to the recreational clammer. He also recommended that any clams taken from Scott Cove not go to market and that the Town pursue an ordinance which forces CT Aquaculture and commercial shellfishermen to secure permission from the Town before dredging in Town waters. Mr. Raleigh reported that the scientist who did the survey disagreed that the oyster population might have been rehabilitated. In conclusion, Mr. Raleigh recommended the removal of Darien residency requirements for a clamming permit, given that the clam beds in Scott Cove are only accessible in deep water.

e) Discuss Shellfish Management Policy – Advisory Commission on Coastal Waters

Mr. Sandy McDonald reported that the Shellfish Management Policy affirms that the Board of Selectmen was responsible for managing shellfish stocks in Darien town waters. It also generally outlines the objectives, who will carry them out, and how the Town's natural shellfish beds will be managed. He stated that the policy does not get specific as to the management process and regulations to carry out this responsibility.

f) Discuss Recommended revisions to the Resolution Establishing the Advisory Commission on Coastal Waters

Mr. Sandy McDonald stated that the Advisory Commission is asking that the word "coastline" be changed to "coastal waters" in the Resolution.

Ms. Thorne thanked Mr. Raleigh and Mr. McDonald and stated that they depend on their expertise what they bring to this. She stated that the Board is well served and she appreciates it.

Cheryl Russell asked when the Resolution will be voted on and Ms. Klein replied that it would be on the Board's agenda for the first or second meeting in February.

AGENDA REVIEW

Mr. Newman asked that Affordable Housing be discussed sooner rather than later. Ms. Klein replied that it will be placed on the January 30th or February 6th agenda.

APPROVAL OF PREVIOUS MINUTES

Regular Meeting January 3, 2006

The following changes were made to the Minutes:

Pg. 2: B) Seventh sentence: Change to: Mr. Newman asked why they waited until 11/06 to do the last bond timing for the high school.

Pg. 6: First paragraph: Sixth sentence: First Selectwoman Klein said that the basic question of the charge was to evaluate the condition of the building.

Pg. 6: Second paragraph: Delete first and second sentence.

Page 6: Third paragraph: Delete last sentence.

Pg. 7: Last paragraph: Fifth sentence: Change to: Mr. Ron Heinbaugh from the Senior Center

Pg. 7: Last paragraph: Seventh sentence: There is some speculation in Town that the DCA is in dire straits.

Pg. 7: Last paragraph: Eighth sentence: Change to: Mr. Newman said that making a comment in public based on hearsay was unfair and inappropriate.

Pg. 8: First paragraph: Seventh sentence: Ms. Thorne asked if there was a possibility of it being reopened as a school.

Pg. 8: First paragraph: Last sentence: Ms. Santarella wanted to confirm that Mr. Curtis did make an attempt to call the DCA to have them come in and talk with the Senior Center Task Force.

Pg. 9: Change Motion to: "Darien is a 21st century community"

**** MS. SANTARELLA MOVED TO APPROVE THE MINUTES OF THE
MEETING OF JANUARY 3, 2006 AS AMENDED.
** MS. THORNE SECONDED.
** MOTION PASSED UNANIMOUSLY.**

FORTHCOMING MEETINGS

- January 17, 2006 Board of Finance Regular Meeting at 7:30 p.m.
- January 18, 2006 Parks & Recreation Regular Meeting at 7:30 p.m.
- January 24, 2006 Planning & Zoning Commission Public Hearing at 8:00 p.m.
- January 26, 2006 Board of Selectmen Budget Meeting at 7:00 p.m.
- January 24, 2006 Board of Education Regular Meeting at 7:30 p.m.
- January 31, 2006 Board of Selectmen Budget Meeting at 7:00 p.m.
- February 2, 2006 Board of Selectmen Budget Meeting at 7:00 p.m.
- February 4, 2006 Board of Selectmen Budget Meeting at 10:00 a.m.
- February 6, 2006 Board of Selectmen Regular Meeting at 7:00 p.m.
- February 7, 2006 Planning & Zoning Planning Meeting at 7:00 p.m.

OTHER BUSINESS

(A two-thirds majority vote is required to add an item to the agenda)

Ms. Klein requested that a motion be made to go into Executive Session at 8:40 PM to discuss acquisitions and personnel.

**** MS. YOUNG MOVED TO GO INTO EXECUTIVE SESSION AT 8:40 PM TO DISCUSS ACQUISITIONS AND PERSONNEL.**

**** MR. NEWMAN SECONDED.**

**** MOTION APPROVED UNANIMOUSLY.**

Respectfully Submitted,

Donna DeVito
Telesco Secretarial Services